

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Santosh Prakash	Team: Squad #08	CCRB Case #: 201902372	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Monday, 03/18/2019 5:00 PM	Location of Incident: City Hall	18 Mo. SOL 5/5/2021	Precinct: 01
Date/Time CV Reported Mon, 03/18/2019 8:04 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Mon, 03/18/2019 9:11 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			Unknown
2. SGT Jemal Gungor	03086	931709	INT EPU
3. DT3 Edward Klein	5458	916007	INT EPU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Barker	13845	926545	INT UOU

Officer(s)	Allegation	Investigator Recommendation
A . An officer	Force: An officer used physical force against § 87(2)(b)	
B . SGT Jemal Gungor	Force: Sergeant Jemal Gungor used physical force against § 87(2)(b)	
C . SGT Jemal Gungor	Abuse: Sergeant Jemal Gungor refused to provide his shield number to § 87(2)(b)	
D . DT3 Edward Klein	Force: Detective Edward Klein used physical force against § 87(2)(b)	
E . DT3 Edward Klein	Abuse: Detective Edward Klein refused to provide his name to § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via email on March 18, 2019.

On March 18, 2019, at approximately 5:00 PM, § 87(2)(b) was allegedly forcibly ejected from a bill signing event inside City Hall in Manhattan and escorted out of the building. **(Allegation A: Force – § 87(2)(g)** While walking him out of City Hall Plaza, Sgt. Jemal Gungor (of Intelligence Bureau) allegedly pushed § 87(2)(b) **(Allegation B: Force – § 87(2)(g)** When § 87(2)(b) asked for Sgt. Gungor's shield number, he failed to provide it. **(Allegation C: Abuse of Authority – § 87(2)(g)** Upon reaching a gated egress at the Plaza's edge, § 87(2)(b) was then allegedly pushed repeatedly by Det. Edward Klein (also of Intelligence Bureau). **(Allegation D: Force – § 87(2)(g)** When § 87(2)(b) requested his name, Det. Klein refused to provide it. **(Allegation E: Abuse of Authority – § 87(2)(g)**

The incident did not result in an arrest or summonses. The incident was captured on cell phone footage only. (BR02)

Findings and Recommendations

Allegation (A) – Force: An officer used physical force against § 87(2)(b)

Allegation (B) – Force: Sergeant Jemal Gungor used physical force against § 87(2)(b)

Allegation (C) – Abuse of Authority: Sergeant Jemal Gungor refused to provide his shield number to § 87(2)(b)

Allegation (D) – Force: Detective Edward Klein used physical force against § 87(2)(b)

Allegation (E) – Abuse of Authority: Detective Edward Klein refused to provide his name to § 87(2)(b)

The facts of the case are largely undisputed. On March 18, 2019, at approximately 5:00 PM, § 87(2)(b) was ejected from City Hall after attempting to disrupt a bill signing event held by Mayor Bill De Blasio. § 87(2)(b) was escorted out of the building by Sgt. Gungor, the supervisor of Mayor De Blasio's executive protection detail. As they walked through City Hall Plaza, § 87(2)(b) asked for Sgt. Gungor's name and shield number. Sgt. Gungor responded by providing his name and, shortly thereafter, gave him his business card. Upon reaching a gated egress at the edge of the Plaza, § 87(2)(b) encountered Det. Klein (another member of the Mayor's detail) who refused to provide his name when § 87(2)(b) requested it. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) stated that he was ejected from the event for attempting to ask the Mayor a question, by a non-uniformed black male who grabbed him by the arm and walked him out. Per § 87(2)(b) the officer's physical contact with him was an assault by definition. Additionally, § 87(2)(b) alleged that he was then pushed by Sgt. Gungor while being escorted out but could not say whether this occurred inside City Hall or outside in the Plaza. Following the push, § 87(2)(b)

§ 87(2)(b) began video recording on his cell phone and asked Sgt. Gungor for his name and shield number. Sgt. Gungor provided his name and said that he would give § 87(2)(b) his business card. When § 87(2)(b) then reached the exit gate, he was pushed twice by a non-uniformed white male, identified by the investigation as Det. Klein. When § 87(2)(b) asked for his name, Det. Klein refused to provide it. After receiving Sgt. Gungor's business card (which he never requested independently), § 87(2)(b) left City Hall Plaza without further incident. (BR01)

§ 87(2)(b) provided the investigation with a photograph of the business card he received from Sgt. Gungor. The card bears Sgt. Gungor's name, rank, and assignment (his contact information is scratched off) but does not show his shield number. (BR03)

§ 87(2)(b) gave the investigation a cell phone video which appears to be a combined recording of different portions of this incident: four minutes and thirty-two seconds long, the file begins with what appears to be YouTube press footage of § 87(2)(b)'s engagement with Mayor De Blasio, and of the ejection that follows; at 00:38 seconds, the footage abruptly shifts to cell phone footage showing § 87(2)(b) and Sgt. Gungor walking through the Plaza and, at 2:35, eventually encountering Det. Klein (BR02). Between 1:39 – 1:50, after § 87(2)(b) asks Sgt. Gungor for his name and badge number, Sgt. Gungor gives his name and states, "you'll get all my information, I'll give you my card." At 2:18, § 87(2)(b) tells either Sgt. Gungor or Det. Klein (it is unclear who), "don't put your hands on me." Neither officer addresses the remark. As Sgt. Gungor tells § 87(2)(b) that he'll return with his business card, § 87(2)(b) goes to Det. Klein at 2:36 and asks, "why did you put your hands on me?" Det. Klein says, "no I didn't." At 2:38, When § 87(2)(b) then asks for Det. Klein's name, he states: "I'm not giving you my name." At 3:58, Sgt. Gungor returns and gives § 87(2)(b) his business card. There is no discernible physical contact between § 87(2)(b) and Sgt. Gungor or § 87(2)(b) and Det. Klein at any point in time. The video does not show Sgt. Gungor giving his shield number to § 87(2)(b) at any point in time. The video does not show Det. Klein giving his name to § 87(2)(b) at any point in time.

Sgt. Gungor stated that he verbally provided his name, shield number, and business card to § 87(2)(b) who he knew had disrupted other mayoral events in the past. Even after viewing the video footage, Sgt. Gungor maintained that he provided his shield number at some point in time but could not explain why this was not captured in the recording. (BR04) After reviewing the video, Det. Klein acknowledged that he failed to provide his name to § 87(2)(b) and could not explain why he chose to do so. (BR05) Sgt. Gungor and Det. Klein both denied making any physical contact with § 87(2)(b) and neither saw anyone pushing him.

Per Patrol Guide Procedure 203-09, all members of service must provide their names or shield numbers when requested to do so. (BR06)

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§ 87(2)(g) [REDACTED]

Civilian and Officers' CCRB Histories

- § 87(2)(b) has been a party to six CCRB complaints and has been named as a victim in 11 allegations:
 - § 87(2)(b)
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- Sgt. Gungor has been a member of service for the past 17 years and has been a subject in four prior CCRB complaints and eight allegations, none of which were substantiated. § 87(2)(g)
- Det. Klein has been a member of service for the past 24 years and has not been a subject in any prior CCRB complaints.

Mediation, Civil, and Criminal History

This case was not suitable for mediation due to civil litigation around the incident in question. The result of a notice of claim query, submitted to the Office of the Comptroller on October 11, 2019, is pending. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____

Signature _____ Print Title & Name _____ Date _____

Squad Leader: _____

Signature	Print Title & Name	Date
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